IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1061 OF 2004

Shrikrishna Vinayak Sathe & Anr. .. Petitioners
Vs.
Lt.Col.Maire Venkatramana
Nayak (Retd.) and Ors. .. Respondents.

Mr.S.G.Karandikar for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 17TH FEBRUARY, 2005

P.C.:

. Heard Mr.Karandikar, learned counsel for the petitioner.

2. The petitioner-defendant no.6 has impugned the order dated 11.9.1997 by which his application - 'Exhibit 23' filed in Special Civil Suit No.1009/1997 came to be rejected. That application was - filed for seeking directions against the respondent-plaintiff to pay Court fee stamp on the claim submitted by him. The plaintiff was exempted from paying Court fees based on the Notification No.CTF.1771/83959-M-1, dated 2.3.1977 published in Government Gazette and on section 21(1)(a) of the Army Act, 1950. Admittedly, the respondent is

ex-serviceman/retired service man. Mr.Karandikar, learned counsel for the petitioner could not and did not point out any infirmity in the impugned order which was passed relying on the aforementioned notification. I find no reason to interfere with the order impugned in the present writ petition. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)